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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the eighth periodic report of Ukraine

Data collection

1. Please state the specific measures that have been adopted to strengthen the State party's system of data collection, on all areas covered by the Convention, including the use of measurable indicators to assess trends in the situation of women and progress towards women's de facto equality, as recommended in the Committee's previous concluding observations (CEDAW/C/UKR/CO/7, para. 45), such as regarding employment, the judiciary and voter statistics. Furthermore, in view of the Committee's previous concluding observations (ibid., para. 26) and the indications outlined in the report (paras. 114-116),[1] please indicate whether any measures have been taken towards setting up a national mechanism to ensure the systematic collection and publication of data specifically on gender-based violence against women, disaggregated by type of violence and by the relationship of the perpetrator to the victim, and to use such data as the basis for monitoring the implementation of current and future policy and support measures.

General context

2. Since 2014, hostilities have taken place between armed and security forces of the State party and separatist armed forces in the eastern part of the State party. In May 2014, as expressed in General Assembly resolution 68/262, a "referendum" that was not recognized by the international community led to the unrecognized accession of the Autonomous Republic of Crimea and city of Sevastopol to the Russian

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the eighth periodic report of the State party (CEDAW/C/UKR/8).

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Federation. Notwithstanding the signing of the Package of Measures for the Implementation of the Minsk Agreements, hostilities are continuing, which has had a severe impact on the civilian population, in particular women, who have been facing increased levels of gender-based violence, including sexual violence and discrimination. Given the obligation of the State party, as outlined in the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, to apply the Convention in all crisis situations, including during conflict, please provide information on measures taken and mechanisms in place to address the negative impact of the conflict on the lives of women and girls, including women and girls in disadvantaged situations, such as those belonging to ethnic Russian, Roma and other minorities, in addition to internally displaced women, rural women and older women, to protect them from violence and to ensure that the entrenched discrimination against them is not further exacerbated throughout the territory of the State party. Please also provide information on the type of alternative sources of livelihood for family survival and the assistance provided, in particular for female-headed households, in those territories affected by the conflict and under the control of the State party, as well as in those territories not controlled by the State party, namely certain parts of the Donetsk and Luhansk regions and the Autonomous Republic of Crimea and the city of Sevastopol.

3. The State party refers to its low ranking in 2013 by Transparency International (para. 34). The Committee notes that, while having improved slightly, that ranking remains low according to the 2015 Transparency International Corruption Perceptions Index. Please indicate the measures taken to eradicate corruption and reduce the negative impact of corruption on the implementation of the Convention.

Legislative and institutional framework and access to justice

4. It is indicated that various components of the Convention are known by between 17 and 46 per cent of women (para. 53). Please provide information on measures taken, including public awareness-raising campaigns, to increase awareness among women throughout the State party of their rights under the Convention and the Optional Protocol thereto, as well as under related national legislation, especially among women in disadvantaged situations, such as those belonging to ethnic Russian, Roma and other minorities, in addition to internally displaced women, rural women and older women. It is furthermore indicated that training for judges, lawyers and law enforcement personnel is carried out to increase awareness of the Convention (paras. 76-85). Please provide specific information on the measures taken to further strengthen training and on how the training addresses attitudinal change and gender stereotypes. Furthermore, please indicate whether the Convention has been invoked in cases brought before the courts and indicate the number and outcome of cases of discrimination against women.

5. Various deficiencies in current anti-discrimination legislation are described in the report (paras. 86-89). In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with Sustainable Development Goal 5.1, to end all forms of discrimination against all women and girls everywhere, please indicate whether the State party has taken any measures to strengthen anti-discrimination legislation encompassing all areas covered by the Convention and to put in place procedures for its effective implementation, monitoring and enforcement.

National machinery for the advancement of women

6. Please provide detailed information on the structure of the national machinery for the advancement of women, in particular its coordination mechanism, and on its mandate and responsibilities, as well as its human, technical and financial resources.

Stereotypes

7. In its previous concluding observations, the Committee reiterated its concern about the persistence of traditional stereotypes regarding the roles and responsibilities of women and men in the family and in society at large, which represented a significant impediment to the implementation of the Convention and were root causes of women's disadvantaged position in political life, the labour market and other areas (CEDAW/C/UKR/CO/7, para. 24). There have been discriminatory statements by high-ranking State officials (e.g., para. 66), and it is indicated that work undertaken to counter stereotypes is "unsystematic" (para. 180). Please provide information on the efforts made and envisaged since the submission of the report to counter the persistent patriarchal attitudes and deep-rooted stereotypes regarding the roles of women and men in the family and in society, together with stereotypical attitudes towards those women and girls who experience multiple forms of discrimination on account of their ethnicity, age, disability, sexual orientation and other characteristics, such as internally displaced women, older women and women living with HIV/AIDS.

Gender-based violence against women

8. According to information before the Committee, gender-based violence against women, including sexual violence, is prevalent and has increased since 2014. Please provide a comprehensive update on the status of the draft legislation needed to enable the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. According to information received, gender-based violence against women is significantly underreported, among other reasons because law enforcement officials frequently put pressure on victims to refrain from filing a complaint. In accordance with the State party's obligation under the Convention and in line with Sustainable Development Goal 5.2, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, please indicate the measures taken and envisaged to design and implement educational measures for law enforcement authorities and the judiciary so as to prevent the stigmatization of victims and avoid stereotypes that may perpetuate gender-based violence against women. Please also indicate whether any legislation is in place or envisaged that would allow for investigating and holding accountable law enforcement officials who fail to act with regard to registering complaints. Furthermore, please indicate the measures taken to restore women's trust in law enforcement authorities and to increase general public awareness of gender-based violence against women.

9. According to information before the Committee, the State party currently lacks specific shelters for victims of domestic violence, especially in the regions affected by the conflict, and has insufficient services in place for women who are victims of domestic violence. Please provide information on the measures taken to open shelters providing specialized support for women who are victims of violence, as well as those taken to strengthen support services, such as by establishing a national

24-hour hotline, rape crisis clinics, psychological counselling and free legal aid (paras. 129 and 130). Please elaborate on the steps taken to ensure that specialized centres are opened to provide aid to all women, regardless of their age, disease or other status (paras. 131 and 133). In this regard, please also provide additional information on the "social apartment" pilot project (para. 132) and indicate whether the State party envisages expanding it nationwide.

Gender-based violence against women in conflict situations

10. According to information before the Committee, a significant number of women have fallen victim to conflict-related sexual and gender-based violence committed by the State party's armed and security forces, as well as by armed groups having control over certain parts of the Donetsk and Luhansk regions. The Committee also has received information that a number of women and girls engage in so-called "survival sex". Please indicate the measures taken to provide women in disadvantaged situations with access to essential goods and services, as well as to income-generating activities through microcredits and self-employment opportunities, in order to reduce their risk of having to engage in "survival sex". Please supply information on measures taken to assist all victims of sexual violence during the conflict and to provide them with access to means of redress, in addition to legal, medical and psychological support. Please provide data on the number of persons prosecuted and punished for gender-based violence, including sexual violence, in the course of the conflict, and indicate: (a) whether the State party is also prosecuting persons who exploit an emergency situation by demanding sexual services in exchange for essential goods; (b) the measures taken to ensure that women have access to justice and the indictment, prosecution and punishment of perpetrators of acts of violence committed during the conflict; and (c) the steps taken to ensure that the State party's armed and security forces, as well as non-State actors, comply with international humanitarian law and international human rights law standards, especially in relation to sexual and gender-based violence.

Women and peace and security

11. According to information before the Committee, women and older persons, the majority of whom are women, constitute the majority of residents along the contact line. Please provide information on the situation of women on both sides of the contact line and in the "buffer zone", as well as on the efforts made to ensure that they have unhindered access to all their rights under the Convention, in particular health, education, employment and access to justice. Please indicate whether the State party is envisaging discontinuing its trade restrictions with the Autonomous Republic of Crimea and the city of Sevastopol and those parts of the Donetsk and Luhansk regions not under the State party's control, which have a particularly negative effect on women. Please also indicate the efforts made by the State party to further facilitate humanitarian interventions in the areas not under its control. Furthermore, please provide information on the measures taken to clear those areas used by civilians from explosive remnants of war and improvised explosive devices.

12. Please indicate steps taken or envisaged to ensure the effective, meaningful and inclusive participation of women and women's organizations in preparations for a peace process, peace negotiations and post-conflict reconstruction in those parts of the State party affected by hostilities, including by integrating women into the Trilateral Contact Group and as heads of some of the working groups. Please also

provide information on the steps taken to strengthen the implementation of the national action plan for the implementation of Security Council resolution 1325 (2000), including by increasing the resources allocated to its implementation.

Trafficking and exploitation of prostitution

13. Please comment on the prevalence of prostitution in the State party and on policies and measures adopted to prevent the sexual exploitation of women and girls, with a special focus on those who are particularly vulnerable to exploitation, including those in poverty and in disadvantaged situations, such as those belonging to ethnic Russian, Roma and other minorities, as well as internally displaced and rural women and girls. In addition, please provide information on measures envisaged and/or in place to support women who wish to leave prostitution. Please explain whether measures have been taken to prevent exploitation of prostitution and trafficking in women, including by decreasing the demand for prostitution. Please also elaborate on the measures taken to ensure that victims of trafficking and women in prostitution are, under all circumstances, treated as victims and not as offenders and to prosecute law enforcement officials who sexually exploit women in prostitution under so-called "subbotnik" schemes. Please provide detailed information on the legal framework to prevent and punish trafficking in persons, including the existence of any national plan or strategy, and on the sentences imposed on traffickers. Please describe measures for the early identification and protection of victims of trafficking and the rehabilitation services available to them, especially those services funded by the State.

Participation in political and public life

14. According to information before the Committee, nearly all of the 18 reforms initiated since 2014 that are constitutional, electoral and judicial in nature or related to security and defence, decentralization and law enforcement have been developed without integrating a gender perspective. Please indicate the measures taken to ensure the integration of a gender perspective into all future reforms, with a particular emphasis on the upcoming constitutional reform in the areas of decentralization, justice and human rights, such as by including women human rights defenders and relevant civil society organizations in the decision-making process, in addition to representatives of women in disadvantaged situations, such as those belonging to ethnic Russian, Roma and other minorities, together with internally displaced women, rural women and older women. Please also indicate the measures taken to lower the cost of running for parliament, which is described as a frequent barrier for women. Furthermore, please elaborate on the measures taken to establish a mechanism to enforce the gender quota, introduced by amendments passed in 2013 to the law on political parties, and to provide for additional temporary special measures to increase the representation of women in decision-making positions.

Employment

15. It is acknowledged that discrimination against women in employment remains an "urgent problem" (para. 220). Please indicate the measures taken to increase understanding and awareness of discrimination and ensure that women who are victims of labour market discrimination have access to justice. Please provide information on the measures taken to eliminate gender stereotypes reflected in discriminatory recruitment practices and attitudes of employers who frequently

reject women candidates on account of their actual or potential motherhood. Furthermore, please provide updated information on the measures taken to eliminate horizontal and vertical segregation in the labour market and to reduce the wage gap in the public and private sectors.

16. It is indicated that the State party prohibits women from working in more than 500 professions (para. 222). According to information before the Committee, many women nonetheless agree to work in those prohibited professions informally, thereby losing social benefits. Please indicate the measures envisaged to: (a) ensure that women informally employed in those positions are able to exercise all labour rights; and (b) remove the general prohibition against women being employed in "heavy work" and work subject to "harmful" or "hazardous" conditions which, according to information received, remains in the current draft labour code. Furthermore, please indicate whether the State party envisages abolishing the occupational segregation of and employment discrimination against women in the military and accommodating infrastructure to the needs of women, including by providing uniforms and shoes that are adapted to female anatomy and providing the health and sanitation facilities necessary to accommodate women's needs. Furthermore, please indicate whether the State party envisages abolishing the severe labour restrictions on pregnant women.

17. Please provide comprehensive data on women employed in the informal sector and at home, as well as on measures taken to provide them with access to full-time and permanent employment with adequate social benefits. Furthermore, please provide information on measures taken to allow for the reconciliation of family and professional responsibilities, especially in rural areas, and to promote the sharing of domestic and family responsibilities between women and men.

Health

18. Please state the measures in place to further reduce mother-to-child transmission of HIV and provide information on any measures taken to address stigma, discrimination and violence targeting women living with HIV. Please also provide disaggregated data on the use of drugs by women and on ensuring their access to health services, including sexual and reproductive health services. Please provide updated information on the status of the targeted State-wide social programme for countering HIV infection and AIDS for 2014-2018 (para. 260). Furthermore, please indicate the measures taken to ensure access to health services, in particular reproductive health services, for internally displaced women and women residing in those parts of the country that are currently not under the control of the State party.

Internally displaced women

19. According to information before the Committee, the lack of adequate support services in host communities for internally displaced persons has a particularly negative impact on women, whose traditional role of caring for their family is increased and who also have to provide economically. Please indicate the measures taken to increase support provided to internally displaced persons, in particular to women, including in terms of access to housing, and to counter the various forms of discrimination faced by internally displaced Roma women. Furthermore, please provide information on the measures taken to increase the presence of internally

displaced women in the formal labour market and to increase their access to labour rights.

20. According to information before the Committee, freedom of movement is restricted between areas controlled by the State party and those not so controlled, on the basis of State Security Service Order No. 27, dated 21 January 2015, on the approval of temporary procedures for controlling movements of persons, vehicles and goods along the conflict line within the Donetsk and Luhansk regions (revised on 16 June 2015). This has a particularly negative impact on internally displaced persons, the majority of whom are women and children. Please indicate measures taken, including legal amendments envisaged, to ensure that any measures restricting the freedom of movement of civilians are consistent with the State party's obligations under international human rights law. Please also indicate efforts made to render passage less cumbersome, including to: (a) clear landmines in all areas used by civilians, including in the vicinity of checkpoints; (b) reduce waiting time at checkpoints and protect women from any form of harassment; (c) establish shelters in the vicinity of checkpoints; (d) establish sanitary facilities at all checkpoints; and (e) ensure the right of access to health-care services for all women, including pregnant women.

Social and economic benefits

21. Please indicate the measures taken to delink the payment of social benefits to the population living in certain parts of the Donetsk and Luhansk regions to their internally displaced person status, which has an especially negative effect on women who are particularly subjected to poverty.

Women in detention

22. According to information before the Committee, the State party has conducted detentions linked to the conflict, including cases of arbitrary detention of women in areas affected by or close to the conflict. Similarly, the Committee received information of cases of deprivation of liberty of women by armed groups in areas under their control. In that context, please provide data on the number of women who have been detained since the outbreak of the hostilities, disaggregated by age, and indicate the grounds for their detention and the measures in place to ensure their right to a fair trial. Please also provide information on their condition. Please provide information on the measures in place to ensure the separation of female detainees from male detainees under all circumstances.